

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

XENOS, INC., a Nebraska
corporation; and OTTILIA
CHAPMAN, an individual,

Plaintiffs,

vs.

TILLY'S, INC., a Delaware
corporation,

Defendant.

8:13-CV-202

ORDER

This matter is before the Court on the Findings and Recommendation of the United States Magistrate Judge (filing [12](#)) recommending that the plaintiffs' objection to the notice of removal and motion for remand (filing [7](#)) be denied. No objection to the findings and recommendation has been filed.

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objects to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECivR 72.2\(f\)](#). The Magistrate Judge's findings and recommendation advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See filing [12](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); see also *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

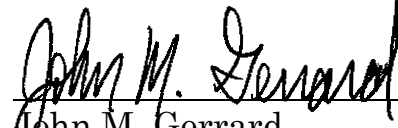
IT IS ORDERED:

1. The Findings and Recommendation of the United States Magistrate Judge (filing [12](#)) are adopted.

2. The plaintiffs' objection to the notice of removal and motion for remand (filing [7](#)) is denied.

Dated this 15th day of August, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge